

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 12, 13 and 18 are being amended. Claims 1 and 18 have been somewhat broadened. Claims 12 and 13 are amended to improve their readability without narrowing their scope. Claims 19-20 are being added.

This amendment changes and adds claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-20 are now pending in this application.

Information Disclosure Statement

Applicant respectfully requests that the Examiner consider the references listed on the Form PTO/SB/08 submitted with the Information Disclosure Statement filed on November 19, 2003, and return an initialed copy of the Form PTO/SB/08 in the next communication from the Patent Office. In this regard, Applicant recognizes that various of the listed references have been considered by virtue of their publication numbers being identified in the Office Action. Nonetheless, for sake of completeness, Applicant requests that the PTO/SB/08 form be initialed and returned.

Rejections under 35 U.S.C. § 102

Claims 1-18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication 2004/0014551 A1 to Tsuga ("Tsuga '551"). Claims 1-12, 16 and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication 2004/0014550 A1 to Tsuga ("Tsuga '550"). Claims 1-12, 16 and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication 2004/0014549 A1 to Choi ("Choi"). Applicant respectfully traverses these rejections for at least the following reasons.

None of Tsuga '551, Tsuga '550 and Choi constitute prior art to the claims of the present application. The U.S. filing dates of all three references, Tsuga '551, Tsuga '550 and Choi, are *after* the foreign priority date of the present application of July 16, 2002. To perfect applicant's claim to foreign priority, applicant submits herewith a copy of a certified English translation of the foreign priority application of the present application. Moreover, the claims of the present application are supported by the disclosure of the foreign priority application. Accordingly, Tsuga '551, Tsuga '550 and Choi are not prior art to the claims of the present application, and the rejections based on these reference must fail.

Double Patenting

Claims 1 and 16-18 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of copending U.S. Application No. 10/343,924 ("the '924 application"), which has now been allowed per the Notice of Allowability mailed on January 19, 2005. Without conceding the propriety of the above double patenting rejection, and in order to expedite prosecution, a Terminal Disclaimer with respect to the '924 application is being filed herewith under 37 C.F.R. 1.321(c). Accordingly, applicant respectfully submits that the obvious-type double patenting rejection has been overcome and respectfully requests that the rejection of claims 1 and 16-18 be withdrawn.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of

papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R.
§1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date February 9, 2005 By Thomas G. Bilodeau

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 945-6162
Facsimile: (202) 672-5399

Pavan K. Agarwal
Registration No. 40,888

Thomas G. Bilodeau
Registration No. 43,438

Attorneys for Applicant